



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Labor and Industry
<b>Virginia Administrative Code (VAC) citation</b>	16 VAC 25-90-1910 [Nomenclature change] 16 VAC 25-90-1910.1020 16 VAC 25-100-1915.1001
<b>Regulation title</b>	Part 1910, General Industry -- Access to Employee Exposure and Medical Records; and Part 1915, Shipyard Employment -- Access to Employee Exposure and Medical Records
<b>Action title</b>	Corrections and Technical Amendments to Parts 1910 – General Industry and Part 1915 – Shipyard Employment
<b>Final agency action date</b>	August 14, 2009
<b>Document preparation date</b>	August 14, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

As part of the ongoing review of its regulations, federal OSHA amended various safety and health standards in need of corrections, housekeeping changes or technical amendments. The revisions do not affect the substantive requirements or coverage of the standards involved, modify or revoke existing rights and obligations, or establish new rights and obligations. The revisions included updating references from existing OSHA standards, including standards governing occupational noise exposure, vinyl chloride, inorganic arsenic, lead, cadmium, coke oven emissions and bloodborne pathogens.

During its June 19, 2006 meeting, the Board adopted the preponderance of various corrections and technical amendments to Parts 1910 – General Industry, 1915 – Shipyard Employment, and 1926 – Construction, as published in 71 FR 16669 on April 3, 2006. It did not, however, adopt any amendments that substituted “§1910.1020” for “§1910.20” when referencing the regulation for Access to Employee Exposure and Medical Records [items 1, 34 and 36] because the Virginia unique regulation [16 VAC 25-80 (§1910.20)], not the current federal regulation, §1910.1020, was in effect in Virginia at that time. Additionally, in §1913, “Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records” under item 34 [p. 16674], paragraph (n) was removed because it specified an effective date that expired over 20 years ago.

As a result of a recent periodic review of current regulations, the Board repealed its Virginia unique version of Access to Employee Exposure and Medical Records [16 VAC 25-80 (§1910.20)] and adopted the federal regulation, 29 CFR 1910.1020. The Board thereby adopted federal OSHA changes relating to this regulation. The effective date of the newly adopted regulation is August 20, 2009.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On August 13, 2009, the Safety and Health Codes Board adopted federal OSHA’s revised final rule for Corrections and Technical Amendments to Parts 1910 and 1915 (for those provisions which, among other things, removed “§1910.20” and added in its place “§1910.1020” in items 1, 34 and 36), as published in 71 FR 16669 on April 3, 2006. Except for the aforementioned changes, all other corrections and technical amendments in this 2006 revision were adopted by the Board on June 19, 2006, and became effective on September 1, 2006. The effective date of this revision is November 15, 2009.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulatory action has no impact on the institution of the family and family stability.